

Report Type: **Initial****INCIDENT REPORT****190653749**

INCIDENT	Incident Number 190-653-749	Occurrence From Date / Time 09/02/2019 18:38	Occurrence To Date / Time	Reported Date / Time 09/02/2019 18:38	CAD Number 192453245	
	Type of incident WARRANT ARREST, LOCAL SF WARRANT 63010 BATTERY, OF A POLICE OFFICER 04154 THREAT OR FORCE TO RESIST EXECUTIVE OFFICER 27171					
	Location of Occurrence: 350 GOLDEN GATE AVE		At Intersection with/Premise Type SIDEWALK		District TENDERLOIN	
	Confidential Report? <input type="checkbox"/>	Arrest Made? <input checked="" type="checkbox"/>	Suspect Known? <input type="checkbox"/>	Suspect Unknown? <input type="checkbox"/>	Non-Suspect Incident? <input type="checkbox"/>	Domestic Violence? <input type="checkbox"/> (Type of Weapon Used)
	Location Sent / On View: 350 GOLDEN GATE AVE		At Intersection with		Reporting District TENDERLOIN	
Crime and Clearance Status 6	Reported to Bureau	Name	Star	Date/ Time	Elder Victim <input type="checkbox"/>	
		Gang Related? <input type="checkbox"/>	Juvenile Subject? <input type="checkbox"/>	Prejudice Based? <input type="checkbox"/>		
Have you reviewed the attached list of procedures required by Department General Order (DGO) 7.04? Yes						

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OFFICIAL CERTIFICATION	I declare under penalty of perjury, this report of <u>7</u> pages is true and correct, based on my personal knowledge, or is based on information and belief following an investigation of the events and parties involved. PROP 115 CERTIFIED Post Training				
	Reporting Officer TIEN, EDWARD L	Star 979	Station Tenderloin Sta ion	Watch 1200-2200	Date 09/02/19 23:08
	Reviewing Officer RYAN, SHAUGHN P	Star 1756	Station Tenderloin Station	Watch 1500-0100	Date 09/02/19 23:12
	OIC HARVEY, THOMAS D	Star 1995	Station Tenderloin Station	Watch 1500-0100	Date 09/02/19 23:13
	Related Case --	Related Case --	Re-assigned to Copies to 5N200 3*300 3*300 3*300	Assigned to 5N200 Add'l Copies DA/OR	Assigned by TH 1995

R / V I C T I M	Code R/V 1	Name (Last, First Middle) TIEN 979; OKEEFE 4291 , SFPD		Alias		Email	
	Day Phone (415) 345-7300	Type Work	Home Address		City		State CA
	Night Phone	Type	Work Address 301 EDDY ST		City SAN FRANCISCO		Zip Code 94102-
	DOB / Age	DOB Unk. <input type="checkbox"/>	or age between and	Race	Sex	Height	Weight
	Confidential Person <input type="checkbox"/>	Violent Crime Notification <input type="checkbox"/>	293 PC Notification <input type="checkbox"/>	Star	Follow-up Form YES <input type="checkbox"/>	Statement YES <input type="checkbox"/>	Relationship to Subject
	School (if Juvenile)		Injury/Treatment		Other Information/If Interpreter Needed Specify Language		
	Interpreter Needed <input type="checkbox"/>	Language	Language Description(if Other)		Language Line Service/Interpreter ID#		Bilingual Ofc Star#

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B O O K E D	Code B 1		Name (Last, First Middle) RAMOSHERNANDEZ, GUSTABO				Alias			Email				
	Day Phone (000) 000-0000		Type None		Home Address			City			State		Zip Code	
	Night Phone		Type		Work Address			City			State		Zip Code	
	DOB Unknown <input type="checkbox"/>		Date of Birth 11/Redacted/98		Age 20		or age between and		Race H	Sex M	Height 5'7	Weight 133	Hair Color BLK	Eye Color BRO
	SFNO Redacted		J/D# (if Juvi)		ID Type/Jurisdiction/Number FBI USA Redacted			ID Type/Jurisdiction/Number CII CA Redacted			ID Type/Jurisdiction/Number			
	Booking Charge(s) N/W 243(c)(2) PC; N/W 69(a) PC; N/W 21810 PC / N/W 11351 HS; N/W 11351 HS; N/W 11351.5 HS / 148(a)(1) PC; 166(a)(4) PC; 166(a)(4) PC								Booking Location COUNTY JAIL #1 - 7TH STREET SHERIFF'S FACILITY					
	Warrant # 800688		Court#		Action#		Dept#		Enroute to Local SF					
	Warrant Violation(s) 11351.5 HS; 11351 HS; 11378 HS								Bail (\$ \$25,000)					
	Warrant # 800205		Court#		Action#		Dept#		Enroute to Local SF					
	Warrant Violation(s) 11351 HS; 11378 HS; 11351.5 HS								Bail (\$ No Bail)					
	Warrant # 800207		Court#		Action#		Dept#		Enroute to Local SF					
	Warrant Violation(s) 166(a)(4) PC								Bail (\$ \$15,000)					
	Warrant # 800204		Court#		Action#		Dept#		Enroute to \$15,000					
	Warrant Violation(s) 166(a)(4) PC								Bail (\$ \$15,000)					
	Warrant # 800687		Court# 18020075		Action#		Dept# 11		Enroute to Local SF					
Warrant Violation(s) 11351.5 HS; 11351 HS; 11378 HS; 166(a)(4) PC								Bail (\$ \$25,000)						
Warrant # 800206		Court#		Action#		Dept#		Enroute to Local SF						
Warrant Violation(s) 11351 HS; 11378 HS; 11351.5 HS 166(a)(4) PC								Bail (\$ No Bail)						
Warrant # 800686		Court# 19002845		Action#		Dept# 11		Enroute to Local SF						
Warrant Violation(s) 166(a)(4) PC								Bail (\$ \$5000)						
Warrant # 800685		Court# 19004749		Action#		Dept# 11		Enroute to Local SF						
Warrant Violation(s) 166(a)(4) PC								Bail (\$ \$5000)						

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Citation#	Violation(s)	Appear Date/time	Location of Appearance
<input type="checkbox"/> CA Form Booked Copy Attached	Mirandized: Star <input type="checkbox"/>	Date Time	CWB Check Star NATALIE 78
Book/Cite Approval SGT. RYAN	Star 1756	Mass Arrest Code	M X-Rays <input type="checkbox"/>
School (if Juvenile)			Statement <input type="checkbox"/>
Other Information: Citation/Warrant/Booking Charge(s)/Missing Person-Subject Description; Scars, Marks, Tattoos WEARING: BLACK JACKET; BLACK PANTS			
Interpreter Needed <input type="checkbox"/>	Language	Language Description(if Other)	Language Line Service/Interpreter ID# Bilingual Ofc Star#

P R O P E R T Y	Code/No EVD 1	Item Description PHOTOGRAPHS				Brand		Model	
	Serial No.		Gun Make	Caliber	Color	Narcotics Lab No.	Quantity	Value	
	Seized by (Star) 979		From Where TENDERLOIN STATION						
	Additional Description/Identifying Numbers Photographs of (B1) and (V1)								

P R O P E R T Y	Code/No EVD 2	Item Description STAY AWAY ORDERS				Brand		Model	
	Serial No.		Gun Make	Caliber	Color	Narcotics Lab No.	Quantity 2	Value Total	
	Seized by (Star) 979		From Where TENDERLOIN STATION						
	Additional Description/Identifying Numbers two stay away orders for (B1) (Crt:18018217,18020075)								

P R O P E R T Y	Code/No EVD 3	Item Description SUSPECTED FENTANYL				Brand		Model	
	Serial No.		Gun Make	Caliber	Color	Narcotics Lab No. 19306207	Quantity 30	Value Total	
	Seized by (Star) 979		From Where (B1)'S PERSON						
	Additional Description/Identifying Numbers 30 individual bindles of suspected fentanyl weighed at 17 grams gross.								

P R O P E R T Y	Code/No EVD 4	Item Description SUSPECTED COCAINE BASE				Brand		Model	
	Serial No.		Gun Make	Caliber	Color	Narcotics Lab No. 19306207	Quantity 62	Value Total	
	Seized by (Star) 979		From Where (B1)'S PERSON						
	Additional Description/Identifying Numbers 62 individual bindles of suspected cocaine base weighed at 12.9 grams gross								

P R O P E R T Y	Code/No EVD 5	Item Description SUSPECTED HEROIN				Brand		Model	
	Serial No.		Gun Make	Caliber	Color	Narcotics Lab No. 19306207	Quantity 26	Value Total	
	Seized by (Star) 979		From Where (B1)'S PERSON						
	Additional Description/Identifying Numbers 26 individual bindles of suspected heroin weighed at 11.3 grams gross.								

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P R O P E R T Y	E	Code/No EVD 6	Item Description SUSPECTED COCAINE SALT				Brand		Model		
	6	Serial No.		Gun Make	Caliber	Color	Narcotics Lab No. 19306207	Quantity 8	Value Total		
	Seized by (Star) 979			From Where (B1)'S PERSON							
	Additional Description/Identifying Numbers 8 individual bindles of suspected cocaine salt weighed at 6.4 grams gross.										
P R O P E R T Y	E	Code/No EVD 7	Item Description SUSPECTED METHAMPHETAMINE				Brand		Model		
	7	Serial No.		Gun Make	Caliber	Color	Narcotics Lab No. 19306207	Quantity 1	Value Total		
	Seized by (Star) 979			From Where (B1)'S PERSON							
	Additional Description/Identifying Numbers 1 baggie of Suspected Methamphetamine weighed at 7.9 grams gross										
P R O P E R T Y	E	Code/No EVD 8	Item Description BRASS KNUCKLES				Brand		Model		
	8	Serial No.		Gun Make	Caliber	Color	Narcotics Lab No.	Quantity 1	Value		
	Seized by (Star)			From Where (B1)'S BACKPACK							
	Additional Description/Identifying Numbers										
P R O P E R T Y	B	Code/No BWC 1	Item Description BODY WORN CAMERA FOOTAGE				Brand AXON		Model II		
	W	Serial No.		Gun Make	Caliber	Color	Narcotics Lab No.	Quantity	Value		
	C	Seized by (Star)			From Where						
	1	Additional Description/Identifying Numbers 979; 4291									

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On September 2, 2019, at approximately 1838 hours, Officer OKeefe #4291 and I were in full police uniform and driving a marked police vehicle, patrolling the area of the 300 block of Golden Gate Avenue.

I was driving eastbound on Golden Gate Avenue towards Hyde Street when Officer OKeefe told me that he observed a known subject, (B1) Gustabo RamosHernandez, walking westbound on Golden Gate Avenue towards our direction. Officer OKeefe had prior knowledge that RamosHernandez had multiple felony warrants for his arrest.

I exited my vehicle and yelled out "Hey Ramos, STOP!". RamosHernandez continued to walk westbound on Golden Gate Avenue towards Larkin Street. I yelled out again "Hey STOP!" at RamosHernandez. RamosHernandez again ignored my commands and continued walking westbound on Golden Gate Avenue.

I jogged up to RamosHernandez and grabbed him by his backpack, and again told him to stop. RamosHernandez proceeded to try and take his arms out of the backpack straps as soon as I grabbed his backpack. Believing that RamosHernandez was attempting to flee from me, I grabbed RamosHernandez by the left arm while Officer OKeefe grabbed RamosHernandez by the right arm. At this point I activated my body worn camera.

RamosHernandez immediately tensed his arms and locked them, preventing me from placing his arms behind his back. RamosHernandez broke free of my grip, and swung his left elbow towards me, making contact with the right side of my forehead. RamosHernandez elbowed me on my forehead. At this point RamosHernandez was actively resisting me, assaulting me, and preventing me from making a lawful arrest. I proceeded to wrap my arms around RamosHernandez's body and brought him to the ground.

After I brought RamosHernandez to the ground, I was able to gain control of his left arm. I observed that RamosHernandez was still resisting and preventing Officer OKeefe from gaining control of his right arm. Officer OKeefe proceeded to perform body strikes on RamosHernandez. See Officer OKeefe's use of force statement for further.

We were finally able to place RamosHernandez under arrest and in handcuffs, double locking them and checking for proper degree of tightness.

I received minor swelling to the right side of my forehead as a result of RamosHernandez elbowing me in the head. I later took (E1) photographs of the swelling and later booked it into evidence.

Sgt. Ryan #1756 arrived on scene for Officer OKeefe's reportable use of force and conducted a use of force evaluation, and later entered the use of force into the Use of Force log at Tenderloin Station.

RamosHernandez did not have any complaints of pain or visible injuries, and refused any medical treatment. I later took photographs of RamosHernandez at Tenderloin Station.

I located security cameras at 350 Golden Gate Avenue that may have captured the incident (415-361-5113 M-F 0830-1730).

I conducted an arrest search on RamosHernandez and observed a circular bulge in the top waistband of RamosHernandez. I located (E5) suspected heroin, (E3) suspected fentanyl, (E4) suspected cocaine base, (E6) suspected cocaine salt and (E7) suspected methamphetamine, tucked underneath the upper front waistband of RamosHernandez pantsline. I seized the illegal narcotics as evidence.

A computer query revealed the following active warrants for RamosHernandez which were confirmed by Natalie #67 at CWB:

WXX:800686; Viol: 166(a)(4) PC; Bail: \$5000

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WXX:800685; Viol: 166(a)(4) PC; Bail: \$5000

WXX:800687; Viol: 11351.5 HS, 11351 HS, 11378, 166(a)(4) PC; Bail:\$25,000

WXX:800688; Viol: 11351.5 HS, 11351 HS, 11378 HS; Bail:\$25,000

WXX:800205; Viol: 11351 HS, 11378 HS, 1151.5 HS; No Bail

WXX:800206; Viol: 11351 HS, 11378 HS, 11351.5 HS, 166(a)(4) PC; No Bail

WXX:800204; Viol: 166(a)(4) PC; Bail:\$15,000

WXX:800207; Viol: 166(a)(4) PC; Bail:\$15,000

The computer query also revealed that he had two active stay away orders:

Court#: 18018217- stay away 150 yards from 370 Golden Gate Avenue

Court#: 18020075- must stay out of Tenderloin District bounded by Van Ness Ave-west, Mission Street-south, 4th Street and Stockton Street-east, Geary Blvd-north

It should be noted that we observed RamosHernandez walking on the 300 block of Golden Gate Avenue which is in directly violation of the above stay away orders.

Officer OKeefe and I transported RamosHernandez back to Tenderloin Station.

At Tenderloin Station, an inventory search of RamosHernandez's property revealed that RamosHernandez was in possession of a (E8) brass knuckles.

At Tenderloin Station, I handed the illegal narcotics to Officer Vainshtok who counted and weighed them as follows:

-26 bindles of suspected heroin, 11.3 gross grams

-30 bindles of suspected fentanyl, 17.0 gross grams

-62 bindles of suspected cocaine base, 12.9 gross grams

-1 rock of suspected methamphetamine, 7.9 grams

-8 bindles of suspected cocaine salt, 6.4 gross grams

The area of the 300 block of Golden Gate Avenue is known to myself and other officers as an area where illegal narcotics sales are sold, bought and consumed at all hours. The area of the 300 block of Golden Gate Avenue is a constant source of complaints to citizens that live, work, or utilize public transportation.

It should be noted I have participated in multiple drug arrests, including cocaine-base, cocaine salt, methamphetamine, heroin, fentanyl and controlled substances over the course of my career as a police officer. I have spoken with users and sellers of drugs on a regular basis throughout my career. I have seen cocaine-base, cocaine salt, methamphetamine, heroin, fentanyl and controlled substances hundreds of times in my career and am aware of the appearance, method of packaging and feel of these narcotics.

Based on my training and experience, the amount of narcotics, the variety of narcotics, the manner in which they were packaged, the lack of any form of narcotic paraphernalia to ingest heroin, cocaine base, cocaine salt, methamphetamine, and fentanyl, the warrants for his arrest are for narcotics related offenses, I fully believed that RamosHernandez possessed the suspected heroin, cocaine salt, methamphetamine, fentanyl and cocaine base for sales.

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With the approval of Sgt. Ryan, RamosHernandez was booked on the above charges and warrants at CJ#1.

Officer OKeefe contacted Annette at ID Bureau who faxed over copies of the (E2) stay away orders for RamosHernandez.

I booked all the non-narcotics related evidence at Tenderloin Station.

Officer Lim #1464 later hand carried the above mentioned narcotics to the narcotics drop box at 850 Bryant Street.

I later uploaded my (BWC1) body worn camera footage.

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Name (Last,First,Middle) O'Keefe, Kohl 4291		DOB/Age	Residence Phone(Day/Night)	Business Phone (Day/Night) 415/553-1426
Residence		Zip Code	Business Address / City if not San Francisco , SF	Zip Code
Date of Statement 09/02/19	Time Started 19:28	Time Completed 19:28	Location Where Statement Taken At Scene <input checked="" type="checkbox"/> Other: TEND	

On the above listed date and time, I was in full uniform, working with my partner Officer Tien #979, riding in a marked SFPD vehicle and assigned to the Tenderloin police district. While driving east on Golden Gate Avenue, I observed a known subject (B1) Gustavo Ramos-Hernandez standing in the area of 350 Golden Gate. I have previous knowledge that Ramos-Hernandez has multiple warrants for his arrest and an active stay away court order from the entire Tenderloin District.

Officer Tien exited our vehicle to place Ramos-Hernandez under arrest. I exited our vehicle and I heard Officer Tien order Ramos-Hernandez to stop and to place his hands behind his back. I observed Ramos-Hernandez break Officer Tien's grip and attempt to flee capture. I grabbed Ramos-Hernandez by his right arm and immediately felt him attempt to pull away, preventing me from putting his hand behind his back. Officer Tien and I were eventually able to take Ramos-Hernandez to the ground. Ramos-Hernandez actively resisted us and ignored our orders to place his hands behind his back. Ramos-Hernandez kept his hands underneath his body and would not put them behind his back. I then delivered two strikes to the right side of Ramos-Hernandez's ribs with a closed right fist. After these strikes, Ramos-Hernandez placed his hands behind his back and we were able to put him into handcuffs without further incident. I later notified Sgt. Ryan #1756 who responded to the scene and conducted a use of force evaluation. Sgt. Ryan later logged my use of force in the use of force log at Tenderloin Station.

It should be noted that the event unfolded so fast, the fact that Ramos-Hernandez was assaulting my partner, and for Officer Tien's and my safety, I was unable to activate my body worn camera immediately.

Required Elements in Use of Force Incident Reports:

The subject's action necessitating the use of force, including the threat presented by the subject: Ramos-Hernandez actively resisted arrest and pulled away from me.

Efforts to de-escalate prior to the use of force; and if not, why not; Officer Tien and I gave Ramos-Hernandez multiple verbal commands to place his hands behind his back and all were met with negative results.

Any warning given and if not, why not; Due to the face that Ramos-Hernandez was actively resisting arrest and the fact that we were on the ground with our backs to traffic and pedestrians it was not feasible to give a warning.

The type of force used; Closed fists.

Injury sustained by the subject; none observed or reported by Ramos-Hernandez.

Injury sustained by the officer of another person; Officer Tien suffered a bruise to the right side of his forehead.

Information regarding medical assessment or evaluation, including whether the subject refused; Ramos-Hernandez had no visible injury, complaint of pain and refused all medical attention.

The supervisor's name, rank, star number and the time notified; Sgt. Ryan #1756 at 1830 hours.